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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

US BANK NATIONAL ASSOCIATION, AS  
TRUSTEE, SUCCESSOR IN INTEREST TO  
WACHOVIA BANK, NATIONAL  
ASSOCIATION AS TRUSTEE FOR WELLS  
FARGO ASSET SECURITIES  
CORPORATION, MORTGAGE PASS-  
THROUGH CERTIFICATES, SERIES 2005-  
AR2 AT 4801 FREDERICA STREET,  
OWENSBORO, KY 42301, a national  
association; WELLS FARGO BANK, N.A., a  
national association;

Plaintiffs,

vs.

VILLA VECCHIO CT. TRUST, a Nevada  
trust; ABSOLUTE COLLECTION  
SERVICES, LLC, a Nevada limited-liability  
company; THE FOOTHILLS AT  
SOUTHERN HIGHLANDS  
HOMEOWNERS ASSOCIATION, a Nevada  
non-profit corporation;

Defendants.

AND ALL RELATED CASES

Case No. 2:17-cv-00143-MMD-VCF

**PROPOSED ORDER REGARDING  
CROSS MOTIONS FOR SUMMARY  
JUDGMENT**

1 This action involves a dispute regarding superior interests in the real property known as  
2 5147 Villa Vecchio Ct., Las Vegas, Nevada 89141, APN 176-36-514-048 (the “Property”). The  
3 litigants each filed affirmative claims for quiet title seeking to declare their interest in the Property  
4 superior to the other litigants’ claims.

5 On July 31, 2019, Plaintiffs and Counter-Defendants US Bank National Association, as  
6 Trustee, Successor in Interest to Wachovia Bank, National Association as Trustee for Wells Fargo  
7 Asset Securities Corporation, Mortgage Pass-Through Certificates, Series 2005-AR2 at 4801  
8 Frederica Street, Owensboro, KY 42301 (“US Bank”) and Wells Fargo Bank, N.A. (“Wells Fargo,”  
9 and with US Bank, “Plaintiffs”) filed their Motion for Summary Judgment (ECF No. 65). On the  
10 same date, Defendant and Counter-Claimant Villa Vecchio Ct. Trust (“Villa Vecchio” or  
11 “Defendant”) filed its Motion for Summary Judgment (ECF No. 64). The cross motions for  
12 summary judgment came before this court for oral argument on February 14, 2020. Having  
13 considered the pleadings and papers on file and heard the oral argument of counsel, the Court issued  
14 its findings of fact and conclusions of law on the record at the motion hearing as also indicated in  
15 the Minute Order dated February 19, 2020 (ECF No. 72).

16 And as more fully set forth in the transcript of the motion hearing, which is incorporated as  
17 though set forth herein, the Court takes judicial notice of the publicly available documents attached  
18 as exhibits to Plaintiffs’ Motion for Summary Judgment. *Disabled Rights Action Comm. V. Las*  
19 *Vegas Events, Inc.*, 375 F.3d 861, 866 & n.1 (9th Cir. 2004).

20 After reciting findings on the record, which are also incorporated herein, the Court held that  
21 US Bank’s Deed of Trust survived the homeowners’ association foreclosure sale of the Property  
22 and remains a valid property interest encumbering the Property because the super-priority lien  
23 portion of the HOA’s lien was satisfied prior to the foreclosure sale. Based upon that holding, the  
24 Court rules as follows:

25 IT IS HEREBY ORDERED that Defendant’s Motion for Summary Judgment (ECF No. 64)  
26 is denied, and judgment is entered against Defendant Villa Vecchio on its Counterclaims (ECF No.  
27 52).  
28

1 IT IS FURTHER ORDERED that Plaintiffs' Motion for Summary Judgment (ECF No. 65)  
2 is granted, and the Court holds that the Deed of Trust survived the association foreclosure sale  
3 because the super-priority lien was satisfied by the borrower prior to the HOA's foreclosure sale.

4 IT IS FURTHER ORDERED that Plaintiffs' remaining claims as set forth in its Complaint  
5 (ECF No. 1) are dismissed as moot.

6 IT IS FURTHER ORDERED that, there being no further claims as against any remaining  
7 party, the Clerk of the Court shall enter Judgment in favor of Plaintiffs and close the case.

8  
9 **IT IS SO ORDERED.**

10 

11 UNITED STATES DISTRICT JUDGE

12 DATED: February 24, 2020

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18 Respectfully submitted by:

19 /s/ Wayne Klomp  
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27  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this date, I electronically filed the foregoing with the Clerk of Court for the U.S. District Court, District of Nevada by using the Court's CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

DATED: February 24, 2020.

/s/ Lara J. Taylor  
An Employee of Snell & Wilmer L.L.P.